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June 21, 2023

VIA ECF

Hon. Loretta A. Preska
U.S. District Court, Southern District of New York
500 Pearl Street, Room 2220
New York, NY 10007

Re: *Jaffe v. City of New York, et al.*, No. 19-cv-7024 (LAP)
Letter re: Discovery Status

Your Honor,

I write after consultation with Assistant Corporation Counsel Lawrence Profeta to report on the state of discovery in the above-referenced matter.

Plaintiff has produced additional text message chains in response to requests made by Defendants, including a request in Defendants' letter regarding Chief Jaffe's deposition, dated February 10, 2023, which, among other things, sought complete sets of text message exchanges excerpted in deposition Exhibit EE, which Plaintiff produced as pages JJ_0008312 through 9455. Defendants are waiting for Plaintiff to run searches through her personal devices and emails using search terms that were provided in a June 1, 2023 email to Plaintiff's counsel.

Plaintiff also responded to questions posed by Defendants, including those regarding Chief Jaffe's recollection of the documents she reviewed before she was deposed January 9, 2013. Defendants are awaiting other items which they have identified with Plaintiff's counsel.

Defendants have agreed to conduct a search of John Miller's emails, which had not been previously requested or discussed at any time during prior e-discovery. Counsel discussed search terms and parameters yesterday, and the City anticipates that the material may be ready by the end of July.

Defendants are also seeking to locate and produce Mayor de Blasio's schedules, which had not been previously requested, and are working with personnel from City Hall in an effort to provide responsive information. Plaintiff has asked for schedules, diaries, appointment books and calendars.

During a conversation yesterday, Plaintiff's counsel raised a concern about documents not having been produced as they were maintained in the regular course of business, specifically the daily schedules for Benjamin Tucker, which Plaintiff's counsel had to re-order to put them in rough chronological order. Defendants' counsel agreed to look into this and review the documents at issue, which had been produced quite some time ago.

Both Plaintiff and Defendants seek to move the case along. The parties hope to be able to produce documents by the end of July.

It is Plaintiff's position that no further depositions can be scheduled until documents have been produced or their non-existence asserted. It is Plaintiff's position that, save for a handful of emails, no de Blasio records have been produced.

Respectfully submitted,

/s/ John W. Moscow
John W. Moscow

cc: Counsel of Record (via ECF)